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Samuel Coleman, P.E.
Acting Regional Administrator, Region 6
United States Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

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PERMITS BRANCH
SMD-P

Re: Application of the City of Dripping Springs for TPDES Permit No. WQ0014488003, TX 0136778.

Dear Mr. Coleman:

On behalf of Protect Our Water (POW), I am writing to provide supplemental information regarding Draft TPDES Permit No. WQ0014488003 (the "Draft Permit"), which involves the discharge of 995,000 gpd of domestic wastewater into Walnut Springs Creek, shortly upstream of Onion Creek in Hays County. As previously noted, this permit would authorize the discharge of significant quantities of nutrients into a clear hill country stream.

In prior correspondence POW explained that the discharge is upstream of Barton Springs, which provides habitat for the federally-listed endangered Barton Springs Salamander (*Eurycea sosorum*) (BSS) and the Austin Blind Salamander (*Eurycea waterlooensis*). The Barton Springs Salamander was identified by the USFWS as a species of concern in its 1998 Biological Opinion, and at that time the USFWS noted that, "any future TPDES permits that could directly or indirectly impact the Barton Springs watershed must be reviewed with extreme caution to ensure that future impacts are avoided or minimized."¹ When delegating authority to Texas to administer the NPDES permitting program, EPA stated that it may use its objection authority to address adverse effects of a discharge on endangered species, even if the State permit is not likely to jeopardize the continued existence of a listed species.² The Biological Opinion issued by the United States Fish & Wildlife Service on September 14, 1998 was premised on representations by the State of Texas that Texas' regulations require the imposition of more stringent permit conditions to protect listed species from the direct effects of a discharge if other Texas surface water quality standards are not sufficient to provide protection.³ That Opinion was also premised on EPA's representations that the EPA would object to draft permits, and federalize a permit if necessary to protect federally listed species.⁴

¹ USFWS Sept. 14, 1998 Biological Opinion at p. 41.

² 63 Fed. Reg. 51164, 51196 (Sep. 24, 1998)

³ September 14, 1998 USFWS Biological Opinion, at p. 9.

⁴ September 14, 1998 USFWS Biological Opinion at p. 13.

Since the submission of those comments to the EPA in September of 2016, further information has come to light regarding the proximity of the discharge to populations of the Barton Springs Salamander. Within the last six weeks, Barton Springs Salamanders have been located and identified at multiple locations along Onion Creek downstream of the discharge, including the location of a Barton Springs Salamander approximately 2 ½ miles downstream of the discharge.

It is POW's understanding that these salamanders have been confirmed as Barton Springs Salamanders through DNA analysis performed by University of Texas and the City of Austin. POW believes that there is a significant potential that Barton Springs Salamanders are present at locations along Onion Creek even closer to the discharge. TCEQ has not considered or evaluated the potential impact of the discharge on the endangered Barton Springs Salamanders inhabiting Onion Creek downstream of the discharge.

The locations where the salamanders have been collected are locations that would be affected directly by wastewater effluent discharges authorized by the draft permit. These reaches of Onion Creek are within the extent of the stream where the Water Quality Analysis Simulation Program (WASP) model performed by the City of Austin indicated that the discharge would degrade Onion Creek from an oligotrophic condition to a mesotrophic condition. This modeling remains valid even with the 0.15 mg/l phosphorus limitation contained in the draft permit. *low algae* *moderate algae*

Moreover, potential Onion Creek condition changes that could be detrimental to the salamander are not limited to increases in nutrient nitrogen and phosphorus concentrations, decreases in water oxygen-concentrations, and changes in benthic algae cover. The presence of effluent components broadly identified as "emerging contaminants" contained in the discharge also pose a significant threat to the downstream Barton Springs Salamander populations. "Emerging contaminants" are chemicals in municipal and domestic wastewater that are typically not considered or analyzed as to their presence, treatment, or environmental consequences. They have not been considered in the draft City of Dripping Springs TPDES Permit. "Emerging contaminant" chemicals include pharmaceuticals, insecticides, surfactants, and endocrine disruptors, including hormones. These potential changes in Onion Creek conditions from the proposed effluent discharge have been shown to affect aquatic life tissue and chronic health generally, and for some changes specifically the viability of the endangered Barton Springs Salamander. TCEQ has previously taken the position that it does not consider emerging contaminants in the water quality permitting process.⁵

For these reasons, POW petitions the EPA to review draft TPDES Permit No. WQ0014488003, and POW petitions the EPA to object to that permit on grounds including TCEQ's failure to enforce the anti-degradation requirements of the Texas WQS, and TCEQ's failure to adequately protect impacted species, including impacted endangered species.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

⁵ Testimony on emerging contaminants was struck as irrelevant under the TCEQ rules in the Matter of the Application of Lerin Hills, Ltd. for TPDES Permit No. WQ0014712001, TCEQ Docket No. 2007-1178-MWD.

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